



**Juveniles under Adult Court Jurisdiction
Annual Report**

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Juveniles under Adult Court Jurisdiction Annual Report

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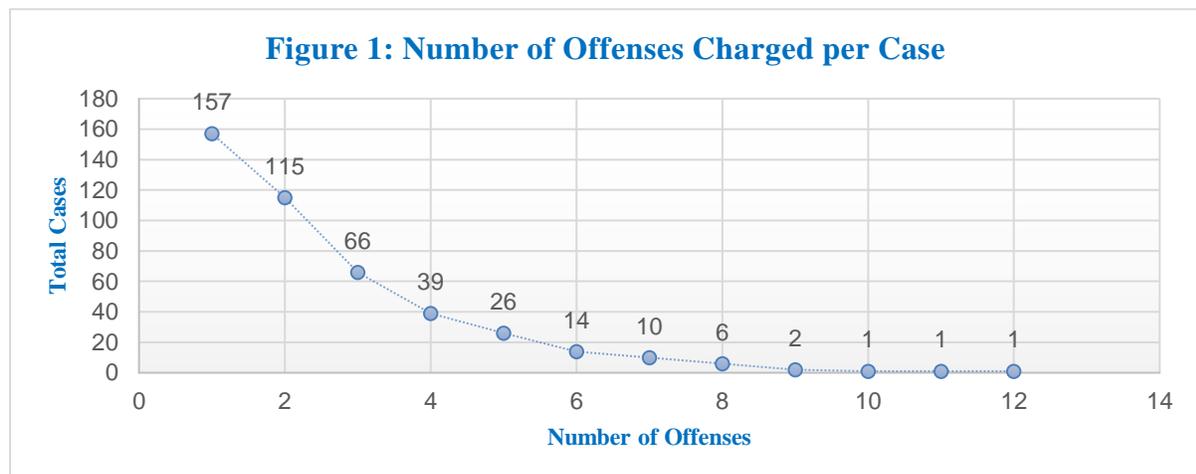
Introduction

In 2018, the Indiana General Assembly enacted legislation, codified at IC 5-2-6-24(e), requiring the Indiana Criminal Justice Institute to complete an annual report detailing the number of juveniles under the jurisdiction of an adult court (see Appendix A for full text). There are two possible channels for a juvenile to be under the jurisdiction of an adult court: lack of jurisdiction and waiver of jurisdiction. Juvenile courts lack jurisdiction over individuals at least 16 years old who have committed certain felonies as listed in IC 31-30-1-4. Those incidences will be referred to as direct file in this report. For acts committed under IC 31-30-3-2 through IC 31-30-3-6, juvenile courts may waive or transfer jurisdiction to an adult court that would have jurisdiction if the act had been committed by an adult. Those incidences will be referred to as waiver of jurisdiction in this report.

This report is the second annual report, and the timeframe included is the state fiscal year beginning July 1, 2018, and ending June 30, 2019. All juveniles under adult court jurisdiction with charges filed during this timeframe were included in the data analysis. This report includes the offenses charged, disposition, sentences received, age, race, gender, and county of prosecution of juveniles under adult court jurisdiction. Data on juveniles in adult court was provided by the Indiana Prosecuting Attorneys Council for all counties using the Indiana Prosecutor Case Management System (“INPCMS”). Allen County does not utilize INPCMS, and the data presented does not include Allen County.

Total Juvenile Cases under Adult Jurisdiction

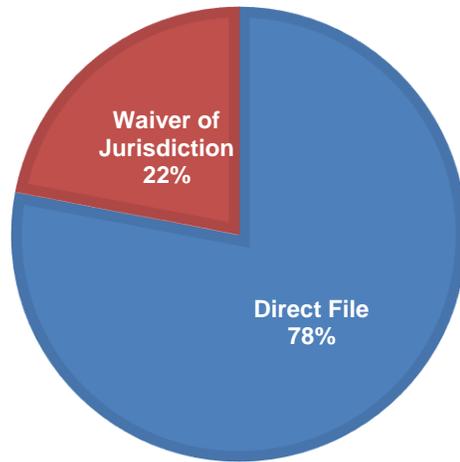
In State Fiscal Year 2019, a total of 157 juvenile cases¹ were under adult court jurisdiction. Those 157 cases represent 438 offenses or charges. The number of offenses per case ranged from 1 to 12. The majority (73%) of juvenile cases in adult court were charged with at least two offenses. Figure 1 below details the number of offenses charged per juvenile case in adult court.



¹ Based on case or cause number assigned by court and not individual. Some individuals had more than one case.

The majority of juvenile cases in adult court are due to direct file or lack of jurisdiction of the juvenile courts. A total of 123 juvenile cases were a direct file to adult court, while 34 juvenile cases were waived to adult court.

FIGURE 2: JUVENILE CASES IN ADULT COURT



Offenses Charged and Disposition

The most common charge resulting in a direct file to adult court was armed robbery, encompassing 45% of all offenses based on the most serious offense or the offense listed as the first count. The second most common offense was robbery resulting in injury at 15%, followed by murder and dangerous possession of a firearm each making up 9% of direct file cases.

The majority of direct file cases are still pending in court. A total of 81 or 66% of the cases were pending disposition as of June 30, 2019, while 25 cases resulted in a guilty conviction and 17 were dismissed. Table 1 shows the list of all the charges by most serious offense and disposition.

Table 1: Most Serious Offense for Direct File to Adult Court by Disposition				
Offense Type	Dismissed	Guilty	Pending	Grand Total
Armed Robbery	6	13	36	55
Robbery Resulting in Bodily Injury	1	2	16	19
Murder	2	0	9	11
Dangerous Possession of a Firearm	2	5	4	11
Rape	2	2	6	10

Attempted Murder	1	1	7	9
Carrying a Handgun Without a License	2	2	2	6
Kidnapping	1	0	1	2
Total	17	25	81	123

There were fourteen different offenses that resulted in a juvenile being waived to adult court. Burglary, at 29%, was the most commonly waived offense based on the most serious offense charged. Auto theft was the second most common offense (12%), followed by escape (9%).

The majority of all waiver cases are still pending in court. A total of 65% of the cases were pending disposition as of June 30, 2019, while 15% of the cases have resulted in a guilty conviction and 20% have been dismissed. Table 2 shows the list of all the charges by most serious offense and disposition.

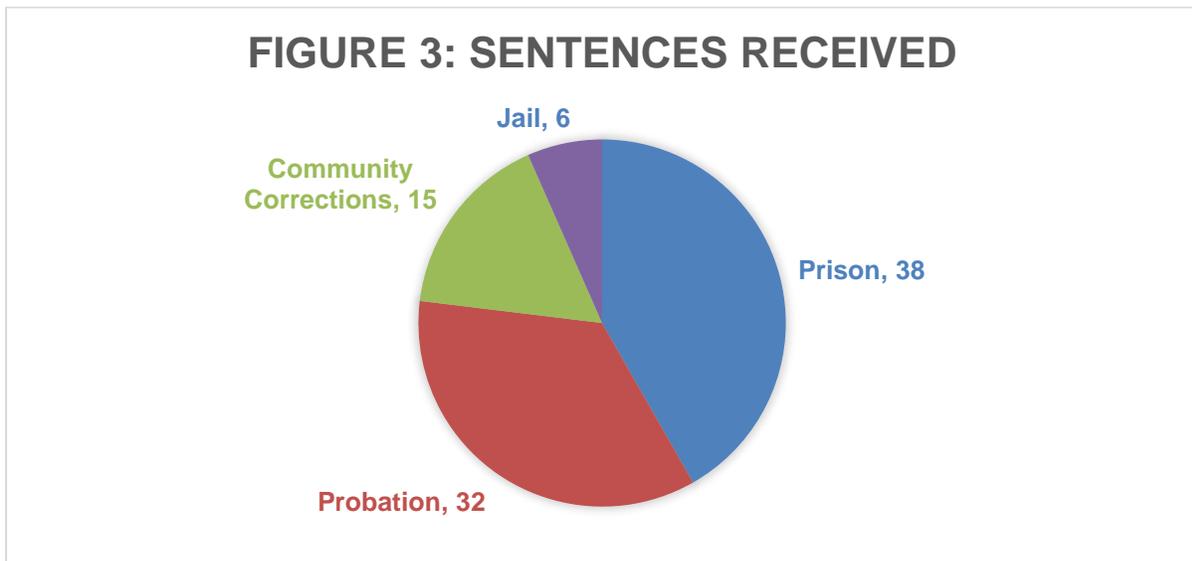
Table 2: Most Serious Offense for Waiver to Adult Court by Disposition				
Offense Type	Dismissed	Guilty	Pending	Grand Total
Burglary		1	9	10
Auto Theft		1	3	4
Escape	2		1	3
Aggravated Battery			3	3
Robbery	1		1	2
Criminal Recklessness With a Deadly Weapon	1		1	2
Theft of a Firearm	1		1	2
Possession of Methamphetamine	1		1	2
Murder		1		1
Armed Robbery	1			1
Theft			1	1
Reckless Homicide			1	1
Resisting Law Enforcement		1		1
Intimidation		1		1
Total	7	5	22	34

The 157 cases under adult court jurisdiction included 281 additional charges, which constituted 44 different offenses. A full list of all offenses charged and dispositions can be found in Appendix B. Of the additional charges, 68% are pending disposition, 16% have resulted in a guilty verdict, and 16% have been dismissed.

Sentences Received

A guilty conviction can result in a variety of sentences. For each offense, an individual may receive a jail sentence, prison time, community corrections, or probation. In many cases, the individual received a combination of the listed sentences. The data displays each type of sentence received separately and does not reflect combinations of sentences. During State Fiscal

Year 2019, 75 charges resulted in a guilty disposition. The most common sentence received was prison. Prison sentences ranged from 1 to 52 years. Several individuals also received probation, ranging in length from 110 days to 6 years. Just over 42% of guilty cases had a portion of their sentence suspended. Figure 3 below shows all sentences received.



Demographics

A juvenile may have multiple cases in adult court. The demographics were analyzed by individual rather than by case to avoid duplication of demographics for individuals with multiple cases under adult court jurisdiction. There was a total of 139 juveniles under adult court jurisdiction representing the 157 cases filed. The demographic information is categorized by juveniles that were direct file to adult court and juveniles that were waived to adult court. There were 112 individuals direct filed to adult court and 27 waived. Black juveniles comprised the majority of direct files at 66%, while 29% of direct files were white juveniles. For waivers to adult court, a vast majority (70%) were black juveniles and 19% were white. Juveniles in adult court were almost exclusively male, with only two females under adult court jurisdiction.

By statute, direct file applies only to individuals who are at least sixteen years old at the time of the alleged offense. Therefore, all of the individuals with a direct file to adult court are either sixteen or seventeen years old. Approximately 59% of direct file juveniles were sixteen years old and 41% were seventeen years old. The youngest individuals waived to adult court were fifteen years old, which accounted for 15% of the total juveniles. Seventeen year olds made up slightly more of the waivers with 48%, and sixteen year olds represented 37% of individuals waived. See Table 2 below for more details regarding race, gender, and age.

Table 2. Demographics for Juveniles in Adult Court – Direct File vs. Waiver

Demographics	Direct File		Waiver	
	Number	Percent	Number	Percent
Race/Ethnicity				
Black	74	66	19	70
White	32	28.5	5	19
Hispanic	4	3.5	2	7
Unknown	2	2	1	3
Total	112	100	27	100
Gender				
	Number	Percent	Number	Percent
Male	110	98	27	100
Female	2	2	0	0
Total	112	100	27	100
Age				
	Number	Percent	Number	Percent
15	0	0	4	15
16	66	59	10	37
17	46	41	13	48
Total	112	100	27	100

Statistics by County

A total of 28 counties² had juveniles under adult court jurisdiction. The highest number of direct files came from Marion County with a total of 44 juveniles. St. Joseph and Vigo counties were a distant second with 9 juveniles each. Marion County and Vanderburgh County each had 5 juveniles waived to adult court, which represents the highest total for a county.

Table 3: County of Juveniles in Adult Court, Direct File vs. Waiver

County	Direct File
Marion	44
St. Joseph	9
Vigo	9
Vanderburgh	8
LaPorte	7
Hancock	5
Lake	4
Cass	3
Hamilton	3
Elkhart	3

² County is where the offense occurred

Howard	2
Clinton	2
Henry	2
Madison	2
Hendricks	2
Fayette	1
Delaware	1
Stake	1
Noble	1
Parke	1
Montgomery	1
Monroe	1
Total	112
County	Waiver
Marion	5
Vanderburgh	5
Clark	2
Elkhart	2
Delaware	2
St. Joseph	2
Boone	1
Cass	1
Howard	1
Huntington	1
Madison	1
Tippecanoe	1
Rush	1
Vigo	1
Wayne	1
Total	27

Conclusion

During State Fiscal Year 2019, a total of 139 juveniles were under the jurisdiction of adult court, consisting of 157 cases. The majority of cases, 78%, were direct file to adult court. Males make up 98% of all juveniles in adult court. The majority of juveniles in adult court are black, and Marion County accounts for 35% of all juveniles in adult court. Most cases in both direct files and waivers to adult court were not disposed of during the timeframe, and 17% have received a guilty disposition within the year time frame.

APPENDIX A – Ind. Code 5-2-6-24(e)

IC 5-2-6-24 Duty of institute to monitor criminal code reform

(d) The institute shall prepare an annual report, in conjunction with the justice reinvestment advisory council (established by [IC 33-38-9.5-2](#)), containing the results of its analysis before December 1 of each year. The report shall be provided to the governor, the chief justice, and the legislative council. The report provided to the legislative council must be in an electronic format under [IC 5-14-6](#).

(e) The report required under this section must:(3) track, by age and offense, the number of juveniles under the jurisdiction of an adult court due to:

(A) lack of jurisdiction under [IC 31-30-1-4](#); or

(B) waiver of jurisdiction under [IC 31-30-3-2](#) through [IC 31-30-3-6](#);

(4) track the number of juveniles under the jurisdiction of adult court due to a juvenile court not having jurisdiction of the cases in accordance with [IC 31-30-1-4](#), by:

(A) age;

(B) sex;

(C) race;

(D) county of prosecution;

(E) offenses charged;

(F) convictions received; and

(G) sentences received; and

(5) track the number of waivers of juvenile court jurisdiction granted under [IC 31-30-3-2](#) through [IC 31-30-3-6](#) by:

(A) age;

(B) sex;

(C) race;

(D) charges filed in juvenile court in which a waiver was sought;

(E) charges filed in adult court following the waiver of juvenile court jurisdiction;

(F) county of prosecution;

(G) convictions received; and

(H) sentences received.

APPENDIX B - All Offenses Charged and Disposition

Offense Name	Dismissed	Guilty	Pending	Grand Total
Aggravated Battery		1	12	13
Armed Robbery	15	25	55	95
Attempted Murder	2	1	9	12
Auto Theft		4	5	9
Battery by Means of a Deadly Weapon	1	1	5	7
Battery Resulting in Bodily Injury	1		4	5
Burglary		2	12	14
Burglary Resulting in Bodily Injury	1		2	3
Burglary With a Deadly Weapon	1		1	2
Carrying a Handgun Without a License	5	3	11	19
Child Molesting			1	1
Criminal Confinement	2	4	17	23
Criminal Mischief		2	6	8
Criminal Recklessness			3	3
Criminal Recklessness With A Deadly Weapon	2		8	10
Criminal Trespass			4	4
Dangerous Possession of a Firearm	5	9	21	35
Disorderly Conduct			1	1
Domestic Battery			2	2
Escape	2	2	1	5
Feticide			1	1
Impersonation of Public Servant			1	1
Intimidation	4	2	1	7
Intimidation With A Deadly Weapon			4	4
Kidnapping	3	1	7	11
Knowingly or Intentionally Operating a Motor Vehicle Without Ever Receiving a License	1		1	2
Murder	3	2	11	16
Operating a Motor Vehicle Without Ever Receiving a License	1			1
Pointing a Firearm	1		16	17
Possession of a Controlled Substance	1	1		2
Possession of Cocaine			1	1
Possession of Marijuana	5	2	3	10
Possession of Methamphetamine	1		1	2
Possession of Paraphernalia	1		1	2
Possession of Syringe			1	1
Rape	2	2	10	14

Reckless Homicide			1	1
Residential Entry			1	1
Resisting Law Enforcement	6	3	7	16
Robbery	1	1	9	11
Robbery Resulting in Injury	1	4	18	23
Sexual Battery		1		1
Strangulation			1	1
Theft	1	1	11	13
Theft of a Firearm	1	1	5	7
Unlawful Use of Body Armor			1	1
Grand Total	70	75	293	438